

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
MONDAY, AUGUST 22, 2005**

- |                          |  |
|--------------------------|--|
| 8:00 a.m. – 8:45 a.m.    | Work Session – County Commissioners  |
| 8:45 a.m. – 9:30 a.m.    | Work Session – County Administrator  |
| 11:00 a.m. – 11:30 a.m.  | Consent Agenda and Miscellaneous Items   |
| 11:30 a.m. – 11:45 a.m.  | Public Comment Period  |
| *T 1:30 p.m. – 2:30 p.m. | Public Hearing – To Consider Testimony on the Provisions of Interim Ordinance No. O20050010, Which Adopts Interim Development Regulations For Single Family Residences in the Industrial Forest-Natural Resource Land (IF-NRL) Zoning Districts That Are Located Outside of an Existing Fire District Boundary |
| 2:30 p.m. – 4:30 p.m.    | Executive Session – Personnel, Litigation and Land Acquisition   |

The Skagit County Board of Commissioners met in regular session on Monday, August 22, 2005, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

**CONSENT AGENDA.**

Commissioner Dahlstedt motioned to approve the Consent Agenda for Monday, August 22, 2005, items 1 through 3, 5 through 10, 12 through 20, 22 through 25, and 27 through 33. Commissioner Anderson seconded the motion, which passed unanimously.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, August 15, 2005.
2. Record of the Proceedings for Tuesday, August 16, 2005.

**ADMINISTRATIVE SERVICES:**

3. Resolution AND Interlocal Cooperative Agreement between Skagit County and Washington State University to perform activities entitled "Skagit County Citizen Survey and Employee Survey, 2005." The agreement shall become effective on May 16, 2005, and shall be completed on December 31, 2005. Compensation for services totals \$70,294. **(Resolution No. R20050293 AND Contract No. C20050343)**
4. Resolution calling for a public hearing to consider invoking the Washington State Housing Cooperation Law to facilitate expansion of the Housing Authority of Skagit County's Raspberry Ridge multi-family housing development. The hearing is scheduled for Tuesday, September 6, 2005, at 9:30 a.m. **(This item will be voted on separately)**

**BUDGET AND FINANCE:**

5. Memorandum of Agreement with the Skagit County Historical Society to fund various tourism promotion events and activities. The agreement shall commence on January 1, 2005, and continue through December 31, 2005. The value of this agreement is \$10,073. **(Contract No. C20050068)**

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**DISTRICT COURT:**

6. Personal Services Agreement with William R. McCann to represent clients for drug/alcohol involuntary commitment hearings as calendared and assigned by the Skagit County District Court. The agreement shall become effective on August 2, 2005, and continue until June 30, 2007. Compensation ranges and shall be up to, but not in excess of \$225 per case, exclusive of re-hearings or appeals, to \$300 per original appeal filed pursuant to a recommitment petition. **(Contract No. C20050344)**

**EMERGENCY MANAGEMENT:**

7. Amendment No. A to Emergency Management Planning Grant **No. C20050268** between the Skagit County Department of Emergency Management and the Washington State Military Department. The grant now falls under Homeland Security; therefore, the process for applying has changed. All counties within Washington State, with the exception of one, have been forced to make an amendment to their contract. The award is now \$1,815 less than the original award amount of \$44,190. All other terms and conditions of the original agreement shall remain in effect. **(Amendment No. A20050144)**

**FACILITIES MANAGEMENT:**

8. Vendor Services Agreement with U.S. Testing Equipment, Ltd. to provide periodic maintenance and service of two Magna Scanners CS5000 walk-thru metal detectors and two EG&G Linescan Model 215 X-Ray Security Screening Systems, as per manufacturers specifications. These units are located at 600 South 3<sup>rd</sup> Street and 215 West Kincaid Street, Mount Vernon. The agreement shall commence on August 1, 2005, and continue until July 31, 2007. Compensation is not to exceed a total of \$11,262. **(Contract No. C20050345)**
9. Resolution authorizing a public hearing to discuss a proposal to dispose of County properties located at 1202 South Second Street, Mount Vernon and a portion of Lot 6, Block 2, Riverside Addition to Mount Vernon, adjacent to the alley between Kincaid Street and Broadway Street, Mount Vernon. The hearing will take place on Monday, September 12, 2005, at 11:45 a.m. **(Resolution No. R20050294)**

**FAIRGROUNDS:**

10. Vendor Services Agreement with Pacific Party Canopies to provide tents for the 2005 Skagit County Fair. The agreement shall commence on August 8, 2005, and continue through August 14, 2005. Compensation is not to exceed a total of \$9,150.52. **(Contract No. C20050346)**

**FARMLAND LEGACY PROGRAM:**

11. Grant Deed of Conservation Easement protecting approximately 362.77 acres of farmland on Fir Island owned by Nolan and Shirley Lee. The easement will extinguish 13 development rights. The total dollar amount being paid for said property is \$762,000. **(This item will be voted on separately)**

**HEALTH DEPARTMENT:**

12. Amendment No. 1 to Interagency Agreement **No. C20030491** between Skagit County and the Skagit Conservation District regarding the Bayview Community Clean Water Pilot Project. The amendment allows the transfer of funds between contract tasks in order to capture all possible contract costs. All other terms and conditions of the original agreement shall remain in effect. **(Amendment No. A20050145)**

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**HUMAN SERVICES:**

13. Personal Services Agreement with Skagit Domestic Violence and Sexual Assault Services, which provides \$35,000 for continued support to the Kulshan Creek Neighborhood Station Outreach Substance Abuse Prevention Project in the City of Mount Vernon. Federal funds are received through the Northwest High Intensity Drug Trafficking Area/Office of National Drug Control Policy. The agreement is retroactive to January 1, 2005, and ends on December 31, 2005. **(Contract No. C020050347)**
14. Personal Services Agreement with Skagit Preschool and Resource Center (SPARC) for the continuance of Developmental Disabilities Early Childhood Development services to children from birth to three years of age. The agreement shall commence on July 1, 2005, and continue through June 30, 2007. Compensation is not to exceed a total of \$144,000. **(Contract No. C20050348)**
15. Amendment No. 4 to Personal Services Agreement **No. C20030518** with Phoenix Recovery Services, which adds an additional \$19,431 for Substance Abuse Treatment services for youth, for a new contract total of \$74,156. All other terms and conditions of the original contract, including prior amendments, shall remain in effect. **(Amendment No. A20050146)**
16. Personal Services Agreement with Phoenix Recovery Services, which allows for the continuance of Substance Abuse Treatment services for Skagit County residents for the period of July 1, 2005, through June 30, 2007. Compensation in the amount of \$189,289 is funded by the Washington State Department of Social and Health Services – Division of Alcohol & Substance Abuse with both State and Federal funds. **(Contract No. C20050349)**

**INFORMATION SERVICES:**

17. Resolution authorizing the transfer of County surplus computer equipment to the District 2 McLean Road Fire Department. **(Resolution No. R20050295)**
18. Service Level Agreement between Skagit County and Skagit Transit for information technology services. This is an addendum to Interlocal Cooperative and Customer Service Agreement **No. C20050331**, which sets forth additional provisions identifying services to be provided by the Information Services Division of Skagit County, to be performed for Skagit Transit. All other terms and conditions of the original contract shall remain in effect. **(Contract No. C20050350)**

**SUPERIOR COURT:**

19. Agreement between Skagit County and CourtCall, LLC, for a CourtCall Telephonic Court Appearance Program. CourtCall provides and administers teleconferencing services for court appearances and provides full-duplex bi-directional speaker phones for each Courtroom and for each Judge's chambers. They also provide a calendar to the Court of all scheduled hearings or conferences. This will allow attorneys and pro se litigant's equal access to the Court without having to physically appear, which will in turn reduce the cost of litigation. CourtCall charges each attorney or pro se litigant \$60 to utilize the service. The Court will benefit \$5 per telephone hearing and will be reimbursed quarterly. The agreement shall commence upon the date of execution. **(Contract No. C20050351)**

**YOUTH AND FAMILY SERVICES:**

20. Amendment No. 1 to Personal Services Agreement **No. C20050149** with Robert Hicks, which adds additional hours during this contract period. This will result in an increase of \$1,999 to the original contract amount of \$12,196 for a new contract total of \$14,195. All other terms and conditions of the original agreement shall remain in effect. **(Amendment No. A20050147)**

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**PUBLIC WORKS DEPARTMENT:**

21. Resolution amending Resolution **No. 12340**, which established the Public Works Building Construction Fund to create a Ferry Boat Depreciation Account. This resolution will include a reserve for the replacement of a ferry vessel. **(This item will be voted on separately)**
22. Resolution calling for a public hearing regarding the sale of County surplus property, including vehicles and other equipment. The hearing will be held on Monday, September 12, 2005, at 10:00 a.m. **(Resolution No. R20050296)**
23. Resolution calling for a public hearing to consider the establishment of Emmanuel Lane #95059 as a County Road. The hearing will be held on Monday, September 12, 2005, at 10:00 a.m. **(Resolution No. R20050297)**
24. Rural Arterial Program Project Agreement from the County Road Administration Board (CRAB) for Kelleher Road Project, MP 00.00 to 00.90. **(Contract No. C20050352)**
25. Rural Arterial Program Project Agreement from the County Road Administration Board (CRAB) for Prairie Road, MP 01.10 to 02.21. **(Contract No. C20050353)**
26. Resolution adopting the Guemes Island Ferry Passage Fare Schedule, which will become effective no later than January 1, 2006. **(This item will be voted on separately)**
27. Amendment No. 1 to Local Agency Standard Consultant Agreement **No. C20040352** with Water and Energy Services Corporation, which extends the term of the agreement to July 31, 2007, in order to cover ongoing work related to the Skagit River Feasibility Study and the Baker River Relicensing effort. Maximum compensation is increased by \$150,000 for a new contract total of \$300,000. Due to the two year time extension, the consultant's hourly rate is being increased from \$79 to \$90 per hour. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20050148)**
28. Personal Services Agreement with EnviroVision Corporation to provide aquatic vegetation survey and mapping services for the Clear and Beaver Lakes Integrated Aquatic Vegetation Management Plan Development Project in an amount not to exceed \$14,000. The agreement shall commence on August 8, 2005, and continue through December 15, 2005. **(Contract No. C20050355)**
29. Purchase and Sale Agreement between Skagit County and Morgan Turner Properties LP in which the County will purchase approximately 6,650 square feet of real property located adjacent to the County's former Gibraltar Gravel Pit/closed Gibraltar Landfill for the sum of \$1,131, including some additional non-monetary compensation. **(Contract No. C20050356)**
30. Memorandum of Understanding between Skagit County and Puget Sound Energy to allow "Powerful Choices for the Environment", operated by Puget Sound Energy, to teach middle school and junior high students to make informed choices regarding the use of natural resources. The agreement shall commence on January 1, 2005, and continue through August 25, 2005. Compensation is not to exceed a total of \$2,000. **(Contract No. C20050357)**
31. Vendor Services Agreement with Twelve Stones Concrete Construction, which will provide services consisting of grinding/sacking and resurfacing the northeast wall that was installed in conjunction with the Main Street Reconstruction Project in Concrete. The agreement shall commence on August 1, 2005, and continue through August 1, 2006. Compensation is not to exceed a total of \$2,805.40. **(Contract No. C20050358)**

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32. Vendor Services Agreement with Vanderveen Family Transport, which will provide inspection, pumping, and the hauling of leachate from Inman Landfill to a designated treatment facility. The agreement shall commence on July 1, 2005, and continue through June 30, 2007. Compensation is not to exceed a maximum total of \$20,000. **(Contract No. C20050359)**
33. Personal Services Agreement with Brown Mapping Consultants for geodetic surveying services on Cockreham Island and in the Hamilton relocation area. The agreement shall commence on August 1, 2005, and continue through July 31, 2006. Compensation is not to exceed a maximum total of \$14,798.54. **(Contract No. C20050360)**

**MISCELLANEOUS.**

1. Staff presented a Grant Deed of Conservation Easement which protects approximately 362.77 acres of farmland on Fir Island, which is owned by Nolan and Shirley Lee. The easement will extinguish 13 development rights. The total dollar amount being paid for the property is \$762,000.

Commissioner Anderson motioned to approve the easement. Chairman Munks seconded the motion, which carried. Commissioner Dahlstedt recused himself due to a possible conflict of interest. **(Contract No. C20050361)**

2. Staff brought forth a Resolution adopting the Guemes Island Ferry Passage Fare Schedule, which will become effective no later than January 1, 2006.

Commissioner Munks motioned for approval of the Resolution. Commissioner Anderson seconded the motion, which carried. Commissioner Dahlstedt was opposed. **(Resolution No. R20050298)**

3. Gary Rowe, County Administrator, advised the Board that the Resolution calling for a Public Hearing to consider invoking the Washington State Housing Cooperation Law to facilitate expansion of the Housing Authority of Skagit County's Raspberry Ridge multi-family housing development has been amended to reflect of new hearing date of Wednesday, September 7, 2005, at 11:00 a.m.

Commissioner Dahlstedt motioned to approve the Resolution with the amended hearing date. Commissioner Anderson seconded the motion, which carried. **(Resolution No. R20050299)**

4. Staff presented a letter to Senator Harriet Spanel regarding Skagit County ferry service between Anacortes and Guemes Island. The letter requests help to obtain additional funding to defray the escalating cost of providing this service. It also states that the Commissioners hope that the State can direct some funding to local ferries from the allocation contained in the new Federal 6-year transportation appropriation.

Commissioner Dahlstedt motioned to approve the letter, as outlined. Commissioner Anderson seconded the motion, which passed unanimously. **(Approved)**

5. Staff brought forth a Resolution providing a defense to Dr. Howard Leibrand and his marital community, and to Deputy David Jones and his marital community in a lawsuit brought forth by Julia Rasmussen, Trisha Mersereau and Cheyenne Dillard.

Commissioner Dahlstedt motioned to approve the Resolution, which Commissioner Anderson seconded. The motion passed unanimously. **(Resolution No. R20050300)**

6. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing, which has been made available to the Board.

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As of this date, August 22, 2005, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$82,301.40 (Transmittal No. C-106-05); and

ACH Transfer Request Form and Certification to Xpress Flex from Clearing Fund 696 in the total dollar amount of \$158.88 (Transmittal No. C-107-05); and

Warrant 203882 from Clearing Fund 696 in the total dollar amount of \$3,450 (Transmittal No. C-109-05); and

Warrant 203882 from Clearing Fund 696 in the total dollar amount of \$3450 (Transmittal No. C-111-05).

**PUBLIC COMMENT PERIOD.**

No one was present for the public comment period.

**PUBLIC HEARING – TO CONSIDER TESTIMONY ON THE PROVISIONS OF INTERIM ORDINANCE NO. O20050010, WHICH ADOPTS INTERIM DEVELOPMENT REGULATIONS FOR SINGLE FAMILY RESIDENCES IN THE INDUSTRIAL FOREST-NATURAL RESOURCE LAND (IF-NRL) ZONING DISTRICTS THAT ARE LOCATED OUTSIDE OF AN EXISTING FIRE DISTRICT BOUNDARY.**

Gary Christensen, Director of Planning and Development Services, explained that on July 26, 2005, the Board of County Commissioners adopted Interim Ordinance No. O20050010 under the provisions of RCW 36.70.390. Interim official controls required that the Board adopt findings of fact and hold a public hearing within 60 days of taking action. He said that in the adopting interim ordinance, the Board set the date and time for a public hearing for today at 1:30 p.m. and incorporated “findings of facts” supporting their action.

Mr. Christensen went on to say that after receiving public testimony and/or written correspondence, the Board may elect to choose one of the following options:

1. Rescind the interim ordinance
2. Continue the interim ordinance
3. Modify and continue the interim ordinance, incorporate additional findings of fact

He said that by continuing the interim ordinance, Skagit County will be afforded the opportunity to give further consideration to comprehensive plan policies and possible additional code amendments to address the issue without undermining or jeopardizing the future land use options that might otherwise be moot if the interim regulations were not in effect. Mr. Christensen believed it simply provides time for further study and perhaps incorporation into the County’s GMA comprehensive plan and development regulation update process which is currently underway.

Chairman Munks opened the public hearing.

Dick Whitmore of Mount Vernon stated that he is the Resource Manager for Washington Alder. Mr. Whitmore said that although he is supportive of an interim rule of this type, he is concerned about future use in the Forest Industrial areas.

Paul Kriegel, Resource Manager for Goodyear Nelson concurred with Mr. Whitmore and added that if the ability to manage lands for timber production is limited, then other uses for the land must be explored to protect investments. Mr. Kriegel stated that he is against a permanent ordinance at this time.

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Barbara Busby, 35217 Phipps Drive, Mount Vernon, read a letter into the record urging the Commissioners to reconsider their decision on this matter.

Teri Saben, 30628 Lake Cavanaugh Road, Mount Vernon, said Industrial Forest zoning was originally intended for large timber companies and owners of large parcels of property. It was never intended to restrict the rights of individual property owners of forty acres or less. Ms. Saben stated that fire districts in Skagit County were never intended to remain confined within their originally defined boundaries. As the need arises and more homes are built, all County fire districts have historically expanded to include the ever-enlarging areas to protect the increasing population.

Ms. Saben accused the County of sabotaging the expansion of the Lake Cavanaugh Fire District in order to allow the Frailey Mountain Gun Range to proceed. She suggested that an emergency ordinance be approved that would remove the Frailey Mountain site as a proposed shooting range.

Dennis Katte, 33164 West Shore Drive, Lake Cavanaugh, argued that the Sabens had jumped through every hoop imaginable, to no avail.

After contrasting the gun range with the Saben's home, Commissioner Anderson said discussion should be limited to the interim ordinance and not about the gun range.

Jack Cross, 34805 North Shore Drive, Mount Vernon, questioned what the emergency was that caused the interim ordinance to be passed. Mr. Cross said the only obvious reason is that the Commissioners didn't want the Sabens to build in that area.

Chuck Manning, 513 39<sup>th</sup> Street, Anacortes, said he wholeheartedly supports the action taken by the Commissioners.

Candace Johnson, Regional Manager of State Lands – Department of Natural Resources, said DNR has often been on record opposing residential use of Commercial Forest land. They support the maintenance and enhancement of forest and resource-based industries, including the timber industry, and would like to note that often additional homes located within that Industrial Forest land area lead to increased costs and conflict with adjacent forest land owners. For those reasons, Ms. Johnson said DNR is strongly in support of the interim ordinance and hopes that the Commissioners will continue to limit development in Commercial Forest land.

Carolyn Kelly, Manager of the Skagit Conservation District, stated that on behalf of DNR, residents and rural volunteer fire department personnel, the District also supports the interim ordinance.

Lenore Crutchfield, 33828 North Shore Drive, Mount Vernon, said her husband is the Captain of the Lake Cavanaugh Volunteer Fire Department and she is a member of the Auxiliary. Together, they are strongly opposed to the ordinance.

Dave Chamberlin, 14348 Hidden Ridge Lane, Bow, said he favors the restrictions of construction in the Industrial Forestry zone and thinks a temporary moratorium makes sense. However, careful thought needs to be given to whether some degree of development is reasonable. Mr. Chamberlin said the Commissioners are making the right move by taking a careful, deliberative approach.

Sandra Saben, 13912 Trumpeter Lane, Mount Vernon, expressed her dismay with the Commissioners with regard to the passing of the "emergency" interim ordinance.

Bill Schmidt, 6939 Gallagher Road, Concrete, stated that he is a retired State Forester for the Department of Natural Resources and a member of the County's Planning Commission. According to Mr. Schmidt, the real source of the conflict is with the way Skagit County created the forest zoning. Eight years ago, the County took an old zoning called Forest Lands and made an arbitrary division into "Secondary Forest" and "Industrial Forest." Industrial Forest should be land that is owned in large chunks by timber

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companies or public agencies. Under the County's zoning, it includes land in small chunks, such as the land owned by himself and the Sabens. Mr. Schmidt said that once the area is mapped correctly, it might show that housing shouldn't be permitted.

Judy Nichols, 27578 Highway 20, Sedro-Woolley, stated that the Sabens have done everything to comply with the County's requirements. She feels they have been strung along, believing that they could still build their house. Ms. Nichols asked why the proposed gun range is overriding everything else.

Commissioner Anderson said the results of allowing homes in forest land can be seen all over the West every summer when homes are lost in forest fires.

Commissioner Dahlstedt said he asked the Planning Department to review every parcel located in Industrial Forest land from the edge of the Intermediate Forest outside of Big Lake to the Intermediate Forest in the Lake Cavanaugh area. He said there isn't one permitted home that was shown to exist in the Industrial Forest area. Therefore, to allow someone to build there would be granting them a special privilege.

Chairman Munks stated that the Board has objected to any single family residence being built in Industrial Forest land, based on the Comprehensive Plan. There have been instances where homes have been allowed and fire services have been extended to where homes existed before the Growth Management Act and the Comprehensive Plan were put into place. This has created a terrible problem for Skagit County.

Mr. Christensen said the public record would be open through the close of business on Friday, August 26, 2005, at 4:30 p.m. Interested parties may submit written correspondence or facsimiles until that time.

**ADJOURNMENT.**

Commissioner Dahlstedt made a motion to adjourn the proceedings. Commissioner Anderson seconded the motion, which passed unanimously.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Don Munks, Chairman

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Kenneth A. Dahlstedt, Commissioner

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Ted W. Anderson, Commissioner

ATTEST:

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Melissa Collins, Assistant Clerk of the Board  
Skagit County Board of Commissioners